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SEC

SERVICE DATE - APRIL 9, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-102

OCEAN LOGISTICS MANAGEMENT, INC.--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF NPR, INC., AND HOLT CARGO
SYSTEMS, INC.

Decided: April 8, 1999

By petition/complaint filed October 6, 1998, under 49 U.S.C. 13701(c), Ocean Logistics Management, Inc. (OLMI or petitioner), a non-vessel operating common carrier, seeks a finding that NPR, Inc., doing business as NPR, Navieras, and Navieras de Puerto Rico (NPR), a vessel operating common carrier providing transportation between the United States and Puerto Rico, has engaged in certain unreasonable practices in violation of 49 U.S.C. 13701(a)(1)(B), as a result of which petitioner has suffered damages of \$4 million.¹

Concurrent with its petition/complaint, OLMI filed a “motion for stay as to regulated commodities.” In its motion, petitioner indicated that an action regarding the involved matter was pending before the United States District Court for the District of Puerto Rico in Ocean Logistics Management, Inc. v. NPR, Inc., D/B/A Navieras; XYZ Insurance Co., Civil Action No. 96-2388 (DRD).

In a decision served November 6, 1998, the Board initiated a proceeding to determine whether NPR has violated the requirements of section 13701(a)(1)(B). However, as requested, the Board held the processing of the proceeding in abeyance pending the District Court’s disposition of the related action.

On March 25, 1999, OLMI filed a notice that the District Court had entered a decision on March 2, 1999, and petitioner therefore requested that the Board establish a procedural schedule for its processing of the petition/complaint proceeding. Petitioner simultaneously filed an amended petition/complaint in light of the court’s decision. The due date for a reply to the filings is April 14, 1999.

On April 1, 1999, NPR and Holt (respondents) jointly filed a request for a 30-day extension of the due date for their reply. Respondents state that the attorney who had been handling the case has taken a sabbatical and will not be available for several months. Respondents further indicate

¹ OLMI also named as a respondent Holt Cargo Systems, Inc. (Holt), which petitioner believes gained control of NPR after the latter had engaged in the conduct that is the subject of the petition/complaint.

that the attorney who will be representing them needs additional time to prepare a response to OLMF's lengthy and complex submission. On April 7, 1999, petitioner filed a reply to the request in which it agreed to affording respondents until April 30 to file their reply.

Respondents will be granted the full 30-day extension they request. Petitioner has not shown any reason why only a 16-day extension should be granted. Respondents' request is reasonable and will not unduly delay the processing of this proceeding.

It is ordered:

1. Respondents' request is granted.
2. Respondents' reply is due on May 14, 1999.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary